

## L.R. 5.2

### Protection of Certain Personal Identifiers

(a) **General rule.** ~~Except as provided herein or as otherwise ordered by the court,~~ **The** parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all papers filed with the court, including exhibits thereto, whether filed electronically or in paper:

- (1) **Social Security numbers.** If an individual's social security number must be included in a paper, only the last four digits of that number should be used.
- (2) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) **Dates of birth.** If an individual's date of birth must be included in a paper, only the year should be used.
- (4) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

(b) **Sealing of unredacted papers.** A party wishing to file a paper containing the personal data identifiers listed above may ~~file an unredacted paper under seal. This paper shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file :~~

- (1) **file an unredacted version of the document under seal, or**
- (2) **file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.**

**The unredacted version of the document or the reference list shall be retained by the court under seal as part of the record. This paper shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.**

(c) **Social Security cases.** In cases filed under the Social Security Act, 42 U.S.C. § 405(g), ~~the plaintiff shall file both an unredacted complaint under seal and a redacted complaint, and shall serve the unredacted complaint upon the defendant~~ **there is no need for redaction of any information from the documents filed in the case.**

(d) **Responsibility for redaction.** The responsibility for redacting these personal

identifiers rests solely with counsel and the parties. The Clerk will not review each paper for compliance with this rule.

### **Committee Comments**

The proposed revisions to this rule are in compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and intended to promote electronic access to case files while also protecting personal privacy and other legitimate interests. Subsection (c) has been revised to reflect that there is no need for redaction of documents filed in social security cases since those cases are not electronically available to the public. In addition, the proposed revisions are consistent with the Southern District's local rule 5.2.

## L.R. 5.3

### Filing of Documents Under Seal

(a) **General Rule.** No document will be maintained under seal in the absence of an authorizing statute, Court rule, or Court order.

(b) **Filing of Cases Under Seal.** Any new case submitted for filing under seal must be accompanied by a motion to seal and proposed order. Any case presented in this manner will be assigned a new case number, District Judge and Magistrate Judge. The Clerk will maintain the case under seal until a ruling granting the motion to seal is entered ~~by the assigned district judge~~. If the motion to seal is denied, the case will be immediately unsealed with or without prior notice to the filing party.

(c) **Filing of Documents Under Seal.** Materials presented as sealed documents shall be inside an envelope which allows them to remain flat. Affixed to the exterior of the envelope shall be an 8 ½ x 11" cover sheet containing:

- (1) the case caption;
- (2) the name of the document if it can be disclosed publicly, otherwise an appropriate title by which the document may be identified on the public docket;
- (3) the name, address and telephone number of the person filing the document; and
- (4) in the event the motion requesting the document be filed under seal does not accompany the document, the cover sheet must set forth the citation of the statute or rule or the date of the Court order authorizing filing under seal.

(d) **Prohibition of Electronic Filing of Sealed Documents.** Sealed documents will not be filed electronically, but rather manually on paper. The party filing a sealed document shall file electronically a Notice of Manual Filing (see Form in CM/ECF Civil and Criminal User Manual for the Northern District of Indiana.) The courtroom deputy to the District or Magistrate Judge should be contacted for instructions when filing certain *ex parte* documents which could not be disclosed by the electronic Notice of Manual Filing.

### Committee Comments

This proposed new local rule is adopted from General Order 2004-19. The Southern District of Indiana has an identical local rule and the Committee concluded that the information in the General Order was well-suited for inclusion in the local rules for conformity with the Southern District. The Committee also believed that conversion of the General Order to a local rule would provide more visibility for the practicing bar.

The Committee also recommends removing the phrase “by the assigned District Judge” in subparagraph (b). Motions to seal may be granted by either a magistrate or district judge and thus, the Committee concluded that removal of the language limiting the grant of a motion to seal to a district judge was warranted.

## **L.R. 83.3**

### **Courtroom and Courthouse Decorum**

At its March 1979 meeting the Judicial Conference of the United States amended its March 1962 resolution pertaining to courtroom photographs to read as follows:

“RESOLVED, That the Judicial Conference of the United States condemns the taking of photographs in the courtroom or its environs in connection with any judicial proceedings, and the broadcasting of judicial proceedings by radio, television, or other means, and considers such practices to be inconsistent with fair judicial procedure and that they ought not be permitted in any federal court. A judge may, however, permit the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.”

In the Northern District of Indiana the term “environs” means all areas upon the same floor of the building on which a courtroom, jury assembly room, grand jury room or clerk’s office is located.

Consistent with the Resolution of the Judicial Conference of the United States, and this court's interpretation of the term “environs,” ~~cell phones, pagers and~~ the taking of photographs, sound recording (except by the official court reporters in the performance of their duties), broadcasting by radio, television, **telephone**, or other means, in connection with any judicial proceeding on or from the same floor of the building on which a courtroom is located are prohibited.

*Provided*, however, that incidental to investitive**ure**, ceremonial or naturalization proceedings, a judge of this court may, in his or her discretion, permit the taking of photographs, broadcasting, televising, or recording.

**Cellular telephones, any device containing a cellular telephone, including Personal Digital Assistants (PDAs), and pagers are permitted in the federal courthouses in the Northern District of Indiana, but must be deposited, and only used at, the Court Security station at the front entrance of each building. Building personnel and federal law enforcement officers may have cellular telephones in the district courthouses subject to the following:**

**(a) Building personnel shall not be allowed to bring cellular telephones into any courtroom in this district.**

**(b) The United States Marshal and all Deputy Marshals shall be allowed to bring cellular telephones into the courtrooms, provided the cellular telephones are switched to a vibrate (rather than an audible) mode prior to entry.**

**(c) Visiting federal law enforcement personnel who have been approved by the United States Marshal’s Service to carry cellular telephones are authorized to carry them directly to and from the agency office they are visiting, but must deposit them there for the duration of their visit.**

## **L.Cr.R. 57.1**

### **Public Access to Criminal Case Information**

(a) **General rule.** The parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court.

- (1) **Social Security numbers.** If an individual's Social Security number must be included, only the last four digits of that number should be used.
- (2) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- (3) **Dates of birth.** If an individual's date of birth must be included, only the year should be used.
- (4) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- (5) **Home addresses.** If a home address must be included, only the city and state should be listed.

(b) **Sealing of unredacted papers.** A party wishing to file a document containing the personal data identifiers listed above may

- (1) file an unredacted version of the document under seal, or
- (2) file a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete personal data identifier. The reference list must be filed under seal, and may be amended as of right.

The unredacted version of the document or the reference list shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file.

(c) **Responsibility for redaction.** The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each pleading for compliance with this rule.

### **Committee Comments**

The proposed revisions to this rule are in compliance with the policy of the Judicial

Conference of the United States and the E-Government Act of 2002, and intended to promote electronic access to case files while also protecting personal privacy and other legitimate interests. The rule differs from L.R. 5.2 in subsection (a)(5) which adds the requirement that where home addresses are used, only the city and state should be included. The Committee recommends making this a separate criminal local rule rather than merely adding (a)(5) to L.R. 5.2. The Committee believes it will be more visible for criminal practitioners if the information is contained in a separate criminal rule rather than placed in L.R. 5.2(a).